

## REMARKS/ARGUMENT

Proposed drawings filed on June 8, 2001 are disapproved as introducing new matter. Claims 4 and 11-15 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 5,663,685 to Kesner. Reconsideration of the application in light of the remarks below is respectfully requested.

### Drawings

Applicant respectfully withdraws the prior submission of Fig. 1 included in the Communication of June 8, 2001 and includes a new submission of Fig. 1 which changes indicated in red. Support for these changes can be found in, for example, the specification, page 7, lines 8-10; page 8, lines 10-14; page 9, lines 7-10. Entry of this new figure is respectfully requested.

### Rejections Based Upon 35 U.S.C. § 103

In order to establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim limitations. M.P.E.P. § 706.02(j).

Among the limitations of both independent claims 11 and 13, which are neither shown nor suggested in Kesner are:

“wherein when the charge pump output signal voltage changes to a value close to one of the driving limits thereof, both the output signal from the charge pump and a power supply signal having a voltage which cancels the change in the charge pump output signal voltage are inputted to the VCO, thereby maintaining stability of the output signal from the VCO.”

Among the limitations of both independent claims 12 and 14, which are neither disclosed nor suggested in Kesner are:

“wherein the VCO is driven by the output signal from the charge pump and a power supply signal having a voltage controlled based on the set frequency, to thereby widen an apparent lock range of the PLL.”

Kesner does not disclose any of the above referenced limitations. In fact, the Office Action does not even reference where it is asserted that Kesner shows such limitations. Kesner does not disclose any control of a power supply signal to a VCO to cancel changes in a charge pump output signal voltage - as is claimed in claims 11 and 13. Kesner also does not show controlling a VCO based on both a signal from a charge pump and a power supply signal - as claimed in independent claims 12 and 14. As shown clearly in Figs. 1-3 of Kesner, the only input to VCO 2 is control input 25 which is the output of filter/integrator 3. No other control signal for the VCO is shown in Kesner.

Reconsideration of the rejection of claims 4 and 11-15 under 35 U.S.C. §103 is respectfully requested in light of the remarks above.

### **Defective Office Action**

The substantive rejections based upon 35 U.S.C. § 103 recited in this Office Action, appear to be an exact replica of the rejections in the previous Office Action dated August 28, 2001. Applicant respectfully notes that the Examiner did not acknowledge any of Applicant's previous arguments asserting the patentability of the pending claims. The only perfunctory statement in the Office Action regarding Applicant's previous arguments is "The Examiner maintains the rejection with the reference (Kenser) because no where in the claims is there a direct input to the VCO claimed." It is not entirely clear as to what the Examiner is referring. However, as indicated above, all of the pending independent claims include at least one input to a VCO. A cursory reading of the claims clearly indicates such structure.

"Where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." M.P.E.P. § 707.07(f) The Examiner is to state his reasons for rejecting Applicant's arguments in the record. Id. "The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." M.P.E.P. § 706. If the Examiner does not state how his understanding of a particular reference and a pending claim is different from that of the Applicant, the goal of the examination of the application is frustrated. Applicant indicated the presence of a power supply signal coupled to a VCO as being claimed in independent claims 11-14 and as being absent from Kesner in a previous Communication. Yet, the Examiner did not even comment on these remarks.

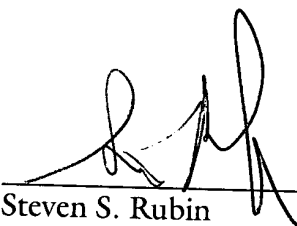
Therefore, Applicant requests a new non-final Office Action explaining why the Examiner disagrees with Applicant's position with regard to the cited art, as the current Office Action is defective and not compliant with the rules of practice before the Patent Office.

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Applicant has responded to all of the rejections and objections recited in the Office Action and Notice of Allowance for all of the pending claims is therefore respectfully requested.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Rubin', is written over a horizontal line.

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